

PROB 12C  
(7/93)

**United States District Court**  
**for**  
**District of New Jersey**  
**Petition for Warrant or Summons for Offender Under Supervision**

**Name of Offender:** Kevin Michael Burke

**Docket Number:** 06-00511-001

**PACTS Number:** 38931

**Name of Sentencing Judicial Officer:** HONORABLE Katharine S. Hayden

**Date of Original Sentence:** 03/15/2007

**Original Offense:** CONSPIRACY TO DEFRAUD THE UNITED STATES

**Original Sentence:** 5 years probation.

**Type of Supervision:** probation

**Date Supervision Commenced:** 3/15/07

**Assistant U.S. Attorney:** Erez Liebermann, 970 Broad Street, Room 502, Newark, New Jersey 07102, (973) 645-2700

**Defense Attorney:** Lisa Mack, 972 Broad Street, 2<sup>nd</sup> Floor, Newark, New Jersey 07102, (973) 645-6347

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**PETITIONING THE COURT**

- ☐ To issue a warrant  
☐ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

| <u>Violation Number</u> | <u>Nature of Noncompliance</u> |
|-------------------------|--------------------------------|
|-------------------------|--------------------------------|

- |    |  |
|----|--|
| 1. | The offender has violated the supervision condition which states ' <b>You shall not commit another federal, state, or local crime.</b> ' |
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On January 30, 2008, the offender appeared in Palm Beach County, Florida, Circuit Court and plead guilty to Possession of Heroin, a 3<sup>rd</sup> degree felony. It was the sentence of the Court that the offender be incarcerated for a term of 90 days (time served); fined \$663.00 and his drivers license was revoked for a period of two years.

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| 2. | The offender has violated the supervision condition which states ' <b>You shall notify the probation officer within 72 hours of any change of residence or employment.</b> ' |
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On September 15, 2007, the United States Probation Office for the Southern District of Florida was able to confirm that on or about September 13, 2007, the offender left his residence at 100 Southwest 14th St., Apt. 3, Boca Raton, Florida

(Boca House). The offender failed to notify the Probation Office or any of its representatives within 72 hours of leaving. The offenders cellular telephone was operational but the offender did not respond to any attempts to contact him.

3. The offender has violated the supervision condition which states '**You shall notify the probation officer within 72 hours of any change of residence or employment.**'

On September 15, 2007, the United States Probation Office for the Southern District of Florida was able to confirm that on or about September 15, 2007, the offender was fired from his employment at The Watershed Treatment Facility, located at 200 Congress Park Drive, Delray Beach, Florida. The offender failed to notify the United States Probation Office or any of its representatives within 72 hours of being terminated from his employment.


4. The offender has violated the supervision condition which states '**You shall report to the probation officer as directed by the Court or probation officer, and shall submit a truthful and complete written report within the first five days of each month.**'

Specifically, the offender failed to submit written monthly reports for the months of August and September, 2007, despite being instructed to do so by his United States Probation Officer, Kathleen Shannon - Hunt during a home visit on September 7, 2007.

5. The offender has violated the supervision condition which states '**The defendant shall refrain from the illegal possession and/or use of drugs and shall submit to urinalysis or other forms of testing to ensure compliance. It is further ordered that the defendant shall submit to drug treatment, on an outpatient or inpatient basis, as directed by the U.S. Probation Office. The defendant shall abide by the rules of any program and shall remain in treatment until satisfactorily discharged with the approval of the U.S. Probation Office.**'

Specifically, the offender failed to report for and submit to drug testing via the Southern District of Florida code a phone system on the following dates; July 6, 2007; July 10, 2007; July 11, 2007 and August 1, 2007.

I declare under penalty of perjury that the foregoing is true and correct.

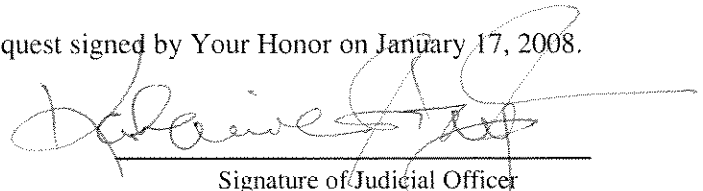
By: Donald G. Hewins   
Senior U.S. Probation Officer  
Date: 12/1/08

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Kevin Michael Burke

THE COURT ORDERS:

☒ Other; To Rescind 12C, Violation of Probation Request signed by Your Honor on January 17, 2008.



Signature of Judicial Officer



Date